

Boskamp et al.

S/N: 10/708,567

REMARKS

Claims 1-23 are pending in the present application. In the Office Action mailed August 26, 2005, the Examiner rejected claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over Weyers (USP 6,608,480) and further in view of Doty (USP 6,060,882).

Weyers was filed on September 30, 2002, and issued as a patent on August 19, 2003. Since the issue date of Weyers is less than one year before the filing date of the present application, March 11, 2004, Weyers can only qualify as prior art under 35 U.S.C. §102(e). However, since the present application and Weyers were, at the time the invention was made, owned by, or subject to an obligation of assignment, to the same entity, Weyers cannot be cited in a rejection against the claimed invention under 35 U.S.C. §103(a). See MPEP §706.02(l). Weyers is assigned to GE Medical Systems Global Technology Company, a division and a wholly owned subsidiary of General Electric Company. The current application is assigned to General Electric Company and recorded at Recd/Frame #014418/0351. As such, Applicant requests withdrawal of the rejection of claims 1-23 under §103(a).

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-23.

Applicant appreciates the Examiner's consideration of these Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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Dated: October 21, 2005
Attorney Docket No.: GEMS8081.203

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